

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Tyree Alphonso Roberts, a/k/a)	C/A No. 6:05-2525-MBS-WMC
Abdiyyah ben Alkebulanyahh,)	
)	
Plaintiff,)	
)	OPINION AND
v.)	ORDER
)	
South Carolina Department of Corrections,)	
Captain Thierry Nettles, Charles Whitten,)	
Lieutenant NFN Bumbcumb, and Corporal)	
NFN Wilson,)	
)	
Defendants.)	
)	

Plaintiff Tyree Alphonso Roberts a/k/a Abdiyyah ben Alkebulanyahh is an inmate in the custody of the South Carolina Department of Corrections (“SCDC”). Plaintiff has been sentenced to death for murdering two Beaufort County Sheriff’s deputies. Plaintiff brings the captioned action pursuant to 42 U.S.C. § 1983 to challenge the constitutionality of various SCDC policies and procedures as well as the conditions of his confinement. Defendants South Carolina Department of Corrections, Captain Thierry Nettles, Charles Whitten, Lieutenant NFN Bumbcumb, and Corporal NFN Wilson filed a motion for summary judgment on May 23, 2006. Plaintiff filed a response in opposition to Defendants’ motion for summary judgment on June 23, 2006.

Plaintiff filed his complaint on September 22, 2005. In his complaint, Plaintiff averred that he had not “begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to [his] imprisonment.” Complaint ¶ 1A. In actuality, Plaintiff initiated a similar Section 1983 action on August 22, 2005. See C/A No. 6:05-2324-MBS-WMC. The court

takes judicial notice of C/A No. 6:05-2324-MBS-WMC. For the reasons stated in the court's opinion and order in C/A No. 6:05-2324-MBS-WMC, the captioned matter is dismissed.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Court

Columbia, South Carolina
August 7, 2006

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.